

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. ~~4~~:09-CV-16-D

DOMESTIC FABRICS CORPORATION,)
)
Plaintiff,)
)
v.)
)
LEVI STRAUSS & CO.,)
)
Defendant.)

SCHEDULING ORDER

The court has considered the Discovery Plan filed by the parties on May 15, 2009. Except as modified below, the Discovery Plan is APPROVED AND ORDERED with the following critical deadlines:

1. All Rule 26(a)(1) disclosures shall be completed by June 12, 2009;
2. All fact discovery shall be completed 60 days after the claim construction ruling;
3. Reports from retained experts shall be disclosed in accordance with Local Patent Rule 305.1, EDNC. The first disclosures are due 30 days after the close of fact discovery;
4. All potentially dispositive motions shall be due 30 days after the closure of expert discovery; and
5. At least twenty days before the final pretrial conference, all parties shall provide to all other parties the pretrial disclosures required by Fed. R. Civ. P. 26(a)(3). Ten days before the pretrial conference, any party may designate and serve any objections to the disclosures. The parties' Rule 26(a)(3) disclosures and objections shall be incorporated into the final pretrial order. The pretrial order shall be submitted to the court five business days prior to the pretrial conference.
6. The matter will be set for trial by separate order.

Any party who makes an appearance after this scheduling order has been entered shall be required to confer with opposing counsel within twenty days after the party's appearance in the case.

Such party will be bound by the discovery provisions contained in this order unless the party petitions the court by motion to amend this order.

In addition, motions to join additional parties and to amend pleadings must be made promptly after the information giving rise to the motion becomes known to the party or counsel. Any such motion filed after July 1, 2009, must meet the standards of Fed. R. Civ. P. 15 and 16.

Finally, the parties are reminded that, on request, this court will assist with settlement negotiations or other ADR such as summary jury trial by making available a judge other than the trial judge to explore these possibilities.

SO ORDERED. This 21 day of May 2009.


JAMES C. DEVER III
United States District Judge